



Appeal Decision

Site visit made on 22 March 2010

by **Malcolm Rivett BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
1 April 2010

Appeal Ref: APP/H0738/D/10/2122631 46 Knapton Avenue, Billingham, TS22 5DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Peter Barker against the decision of Stockton-on-Tees Borough Council.
- The application Ref 09/2656/FUL, dated 27 October 2009, was refused by notice dated 11 December 2009.
- The development proposed is installation of clear double glazed units with etched patterns in lieu of obscure glazing.

Procedural matter

1. The description of the development on the Council's decision notice is slightly different from that indicated on the application form. I have determined the appeal on the basis of the description on the application form, as set out above.

Decision

2. I dismiss the appeal.

Main issue

3. The main issue of the appeal is the effect of the clear window on the living conditions of the occupants of 3 Skripka Drive, having particular regard to privacy.

Reasons

4. The window which is the subject of this appeal was in place, with clear, etched glazing, at the time of my visit. Although the window is non-openable and orientated at an angle to the rear elevation windows of no 3, I noted that it provides a clear, and relatively close, view into no 3's dining room and kitchen. It also provides a close-up, elevated view into most parts of no 3's rear garden including its main 'sitting-out' area. Therefore, whilst noting the contents of the Council's *Supplementary Planning Guidance*, I consider that without obscure glazing (as is a condition of Class A3 of Part 1 of the *Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008*), the window has the potential to cause a significant loss of privacy for the occupants of no 3 and thus harm to their living conditions.
 5. In accordance with policy GP1 of the *Stockton-on-Tees Local Plan* I have assessed the window in relation to its effect on the amenities of the occupiers of nearby properties and have found that it has the potential to cause
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significant harm. In this respect I also consider that the scheme does not accord with the objective of *Planning Policy Statement 1: Delivering Sustainable Development* to encourage good design.

6. I note that the disputed window's glazing matches that of other windows in the house, although I am not persuaded that if it were to be obscure-glazed any harm would be caused to the appearance of the property. I appreciate that many rear gardens in the area are overlooked by neighbouring properties, although it appears to me that this is generally not to the extent afforded by the disputed window. The appellant refers to two specific windows in the vicinity which have a similar relationship to adjacent properties as the appeal scheme window has to no 3. However, I have seen no evidence to substantiate the contention that they "seemingly have little or no impact on the amenity of the neighbours"; nor am I aware that they have been granted planning permission in recent years. Thus, I consider that they are not good reason to allow the scheme before me, given the harm I have found it has the potential to cause.
7. For the above reasons, and whilst noting that the appellant was unaware that consent was required for the clear glazed window, I conclude that the appeal should be dismissed.

Malcolm Rivett

INSPECTOR